

## **REMARKS**

Reexamination and reconsideration of this application in view of the following remarks is respectfully requested. By virtue of this amendment, claims 1-4, 10-12 and 15-17 are amended, claims 20-22 are canceled, and new claims 23-25 are added. The new claims find support in the specification, as originally filed, for example, from page 13, line 14 to page 17, line 20. Several minor changes were made to the specification to enhance readability. No new matter was added. After this amendment, claims 1-19 and 23-25 remain pending in this application.

### **Claim Rejections - 35 USC §102**

Reconsideration of the rejection of claims 1-22 under 35 U.S.C. §102(b) as being anticipated by Meyers, et al., (U.S. Patent No. 5,191,607), hereinafter “Meyers”, is respectfully requested in view of the amendment to claims 1-4, 10-12 and 15-17, and for the following reasons.

The communication's control console described in the Meyers reference has a capability of receiving two telephone calls at about the same instant, so that a user at the control console would heard a separate set of ring tones for each incoming telephone call. The “muting” described in the Meyers reference pertains to the muting of the set of “ring tones” that indicate the arrival of an incoming telephone call. The control console of Meyers has a means for muting the set of ring tone associated with one of the incoming calls upon the user answering the other of the incoming calls. The control console of Meyers also has a means for muting both sets of ring tone associated with both of the incoming calls (presumably when the user is speaking over a radio or performing other tasks). Finally, the control console of Meyers has a means for automatically disabling the means for muting the ring tones, after a period of time has elapsed.

The claims of the Applicants' communications device do not pertain to “ring tones”. Indeed, the Applicants' invention is not in any way responsive to any “incoming” signal, such as an incoming telephone call or incoming audio, from another communication device. Rather, the Applicants' invention pertains to an “outgoing” signal. The Applicant's invention pertains to the muting of uplink audio, which is an outgoing signal, from the communication device.

For the Examiner's convenience, the second, third and fourth steps of the method recited in amended claim 1 are reproduced below:

“in response to detection of the first user input, enabling a first muting mode *for uplink audio sent from the communication device*;

detecting in the communication device an activation of the user interface by a second user input; and

in response to detection of the second user input, disabling the first muting mode and enabling a second muting mode *for uplink audio sent from the communication device*.”

The Meyers reference does not teach, suggest or disclose the muting of uplink audio from a communication device. The communication device recited in amended claim 10 has language that tracks the above-quoted language from the method of claim 1. Therefore, the Applicants believe that amended claim 1 and amended claim 10 distinguish over Meyers. Furthermore, claims 2-9 depend upon independent claim 1, and claims 11-19 depend upon independent claim 10, and because dependent claims recite all the limitations of the independent claim, it is believed for this additional reason that dependent claims 2-9 and 11-19 also recite in allowable form.

Accordingly, in view of the remarks above, in view of the amendment to claims 1-4, 10-12 and 15-17, and in view of the cancellation of claims 20-22, and because Meyers does not teach, disclose or suggest the presently claimed invention, the Applicants believe that the rejection of claims 1-22 under 35 U.S.C. §102(b) has been overcome. The Examiner should withdraw the rejection of these claims.

**Conclusion**

The foregoing is submitted as full and complete response to the Office Action mailed August 11, 2006, and it is submitted that claims 1-19 and 23-25 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims 1-19 and 23-25 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The present application, after entry of this response, comprises twenty-two (22) claims, including three (3) independent claims. The Applicants have previously paid for twenty-two (22) claims including three (3) independent claims. The Applicants, therefore, believe that a fee for claims amendment is currently not due.

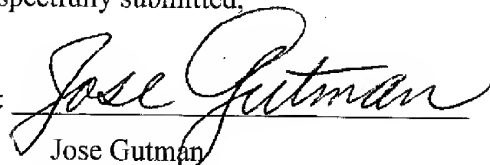
**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **50-1556**.

Respectfully submitted,

Date: November 1, 2006

By:

  
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